

**Government of the District of Columbia**

**ZONING COMMISSION**



**ZONING COMMISSION ORDER NO. 513 \***  
**CASE NO. 85-3C**  
**January 12, 1987**  
**(1215 I Street - PUD)**

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on September 11, 1986. At that hearing session, the Zoning Commission considered an application from 1215 I Street, N.W. Associates Limited Partnership for consolidated review and approval of a planned unit development (PUD), and a map amendment, pursuant to Sections 7501 and 9101 of the Zoning Regulations of the District of Columbia. The public hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

**FINDINGS OF FACT**

1. The subject application, which was originally filed on March 15, 1985, and later amended, requests consolidated review and approval of a PUD, and an amendment to the Zoning Map to extend the C-4 District east by one lot to include the applicant's property at Square 285, Lot 48. The site is presently zoned HR/C-3-C and abuts the C-4 District on the west and south.
2. The subject application constitutes a modification to an application (Z.C. Case No. 85-3) to amend the Zoning Map from HR/C-3-C to C-4, without a PUD. In response to the Office of Planning's preliminary report filed on June 28, 1985, the applicant requested that the Zoning Commission defer its decision as to whether to grant a public hearing.
3. The Zoning Commission granted this request at its regular monthly meeting of July 8, 1985. The applicant then modified its initial application to include a PUD in addition to the map change that was requested previously.

\* NOTE: This order is amended by Z.C. Orders No. 513A & 513B.

4. Following the filing of the modified application, the Office of Planning filed a supplement to its preliminary report on February 28, 1986, recommending that the Zoning Commission schedule a public hearing on the application.
5. The applicant intends to develop the vacant site with a 12 story mixed use office/retail building, as a companion structure to the recently completed development of the adjacent property to the west known as 1225 I Street, N.W.
6. The C-3-C District permits major business and employment centers of medium/high density development, including office, retail, housing, and mixed uses to a maximum height of 90 feet, a maximum FAR of 6.5, and a maximum lot occupancy of 100 percent.
7. As a development incentive, the HR overlay district also permits the construction of apartment buildings, hotels or mixed use buildings to a maximum FAR of 8.5, and a maximum height of up to 130 feet (depending on street width) provided that a mixed use building includes at least 2.0 FAR of apartment or hotel use.
8. The C-4 District is the downtown core comprising the retail and office centers for both the District of Columbia and the metropolitan area. The C-4 District permits office, retail, housing, and mixed uses to a maximum height of 110 or 130 feet, and a maximum FAR of 8.5 or 10.0, with the maximum height and FAR dependent upon the width of adjoining streets.
9. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to impose development conditions, guidelines, and standards that may exceed or be lesser than the matter-of-right standards identified above. The Commission may also approve uses that are permitted as a special exception by the BZA. The PUD guidelines, However, provide for an FAR of 10.5 and a 130 foot height.
10. The District of Columbia Generalized Land Use Element of the Comprehensive Plan for the National Capital includes the PUD site in the High Density Commercial/Mixed Use category.
11. The PUD site contains 26,508 square feet of land area and is located at the northwest corner of 12th and I Streets, N.W. The site is located on

I Street midway between Franklin Square to the west and the Convention Center to the southeast.

12. The PUD site is cleared of the previously existing structures and is used as a commercially operated surface parking lot. The north-south alley that ran through the middle of the site was closed recently by action of the City Council.
13. Immediately to the west of the site, the southwest quadrant of subject Square 285 has been developed with a matter-of-right building (1225 I Street) made possible by a map change requested by the applicant and approved by the Zoning Commission in Z.C. Case No. 80-5. The northwest quadrant of this square is occupied by the historic Franklin School. The northeast quadrant facing K and 12th Streets contains two mid-rise structures, an office building, and a garage. The corner of the intersection of 12th and K Streets is being used by the Budget Car and Truck Rental Agency. Across 13th Street to the west is Franklin Square, and office buildings and the Convention Center hotel are across K Street to the north. Various low-rise structures are across 12th Street to the east, and the site directly to the south, across I Street, is presently under construction with a matter-of-right C-4 office/retail structure of 130 feet in height.
14. The zoning pattern in the area of the PUD includes C-4 in Square 285 along 13th Street, as well as across I Street directly to the south of the site and surrounding Franklin Square on all sides. The site is located at the edge of the boundary line of HR/C-3-C to the north and the east, and is surrounded on two sides by C-4 zoning to the south and to the west. The HR/C-3-C District is centrally located around the south side of Mt. Vernon Square, except for its western penetration into the C-4 District, and includes the subject site in the outermost reaches of the HR/C-3-C District.
15. The city has recently committed its energies and resources to revitalizing the Downtown area. The Franklin Square area, in which the project site is located, is now the most active area for new high-density retail/office development. The path of development in the Franklin Square area has been from west to east. High-quality retail/office development is occurring for the most part to the north, west and south of Franklin Square. Such development in the C-4 District

along 11th, 13th, 14th, 15th, and K Streets and New York Avenue can be built to a 130 foot height and a 10.0 FAR. Mixed-use office/retail development is presently taking place on the adjacent parcel on the southwest corner of Square 285, which is also zoned C-4, and which is being developed to a 130 foot height and a 10.0 FAR. The former Trailways site across I Street from the subject site is zoned C-4, has frontage on the 130 foot wide New York Avenue, and is being developed with a building designed to a 130 foot height with a 10.0 FAR.

16. The site will be developed with a building that will be a companion to and joined with the building at the corner of 13th and I Streets, N.W. The building will have a 126.3 foot height as measured from the 12th Street frontage, and an FAR of approximately 10.0. The building will have a gross floor area of approximately 265,000 square feet. The ground floor of the building will be occupied by retail and/or service uses.
17. All parking and loading functions will be enclosed and will be accommodated on site. Access to the loading berths will be from the 30 foot wide alley that runs east-west through Square 285, and abuts the subject property on the north. There will be three loading berths, and one service/delivery loading space, as required by the Zoning Regulations. The Zoning Regulations require that 139 spaces be provided in the garage.
18. The applicant has submitted a plan showing 139 spaces, with the ability to stack additional parking spaces in the garage. Using stacked parking and a parking plan as set forth in Section 7204.4 of the Zoning Regulations, the parking garage underneath the building will be able to accommodate 220 cars. The number of spaces proposed more than satisfies the Zoning Regulations based on the uses and square footage of this PUD.
19. The maximum permitted height for a PUD in the C-4 District is 130 feet. The building will be joined above grade with 1225 I Street. The point of measurement for the height will therefore be taken from 13th Street. The height of the building as measured from the 13th Street frontage will be 130 feet, and from the 12th Street frontage will be 126.3 feet. The applicant submitted as part of its posthearing submissions a memorandum

explaining the project's conformity with the requirements of the 1910 Height Act.

20. The applicant's expert witnesses offered extensive evidence and testimony that on-site hotel or residential use is infeasible in this case. In order to meet the overall goals of the HR designation of the site, the applicant has worked with the Office of Planning to create a housing linkage program as a major amenity in this application, whereby it could actively ensure the continued production of low income housing in appropriate locations in the District of Columbia. The applicant presented to the Zoning Commission several alternatives for providing off-site housing, as follows:

- a. Alternative No. 1 - The applicant would contribute \$750,000 in equal yearly installments over a 10 year period to Jubilee Housing, Inc., a District of Columbia nonprofit organization, for the sole purpose of providing of low cost housing in the District of Columbia;
- b. Alternative No. 2 - The applicant would commit to work with Jubilee Housing, Inc. to rehabilitate 50 units of low income housing in a building owned by Jubilee at 1740 Euclid Street, N.W. or (depending upon time and other factors) an alternative site chosen by Jubilee;
- c. Alternative No. 3 - The applicant would commit to work with Jubilee as described above, to rehabilitate 25 units at 1740 Euclid Street (or alternative site), and would also commit to work with MANNA, Inc., a District of Columbia nonprofit organization which rehabilitates homes for ownership by low income families, to rehabilitate 25 housing units in ANC 2C; or
- d. Alternative No. 4 - The applicant would commit to assist Jubilee Housing, Inc. and MANNA, Inc. in the renovation of approximately 92 housing units in the District of Columbia over the next ten years at a cost to the applicant of \$920,000. The commitment would be paid in equal yearly installments of \$92,000, which installments would be divided equally between Jubilee Housing, Inc. and MANNA, Inc.

21. The proposed building at 1215 I Street has been designed to match and complement the neighboring building at 1225 I Street. The two buildings will be joined to form a unified development from 12th Street to 13th Street, and will form a link from the Convention Center to Franklin Square. One of the prime considerations was that the project be compatible with the Franklin School located immediately to the north.
22. The mass of the building is broken up by a re-entrant angles that recall the massing of the School. The warm red precast recalls the brick, and the horizontal banding of the School. The lower floors of the building will form a base that will be a transition to the setback treatment of the upper floors, and the roof structure has been designed as part of the building form. Landscaped open spaces are planned for 1215 I Street, similar to those that exist at the corners of 1225 I Street.
23. In addition to the open spaces at the corners of the building, an additional open area will be located at mid-block and will included a landscaped pedestrian area as well as additional access to the building lobbies. The streetscape treatment will meet or exceed established guidelines and will exceed established standards in terms of quality finishes.
24. The applicant has analyzed existing traffic conditions and has studied the potential traffic and parking impact of the proposed development. Based upon the applicant's prior experience with commercial developments of this type, having studied the area, and in consideration of the report of the Department of Public Works/Office of Policy and Planning (DPW), and underground parking garage on the site will be designed to accommodate 220 cars with stacked parking. Although 139 parking spaces are required under Article 75 of the Zoning Regulations for a PUD with a 10.0 FAR, the applicant will provide parking (using stacked parking) for 220 vehicles to ensure that the parking needs of the employees and visitors of the project are met.
25. The applicant's expert traffic consultant submitted a report that the on-site parking to be offered would be more than adequate for the building's occupants and visitors. Additionally, two-hour metered parking is allowed on both sides of 12th Street between 9:30 A.M. and 4:00 P.M.,

the project is located within close proximity to both Metrorail and Metrobus stations, and the applicant has agreed to work with the D.C. Rides office to create a rideshare program.

26. The applicant's expert traffic consultant submitted testimony and evidence that the proposal will have a minimal impact on the street system. His report stated that the subject site has exceptionally good public transportation. The Metro Center and McPherson Square Metrorail Stations are each approximately 900 feet from the site. Metrobus routes P2, P7, L2, L4, L8 and N5 operate on 13th Street, routes S2 and S4 operate on H and I Streets, and routes D2, D4, and D8 operate on K Street.
27. The traffic report noted that to further the District of Columbia goals of maximizing the use of public transportation, that land development close to Metro stations, particularly in the downtown area, should be high density with occupants who depend, to a large degree, on daily transit service. Furthermore, all on-site loading functions will be carried out through the three loading berths located in the 30 foot wide alley that runs east-west through Square 285, and abuts the subject property on the north.
28. The applicant's expert traffic consultant reported that the exiting 30 foot wide east-west alley will be adequate to handle the largest trucks that would service the building. The traffic report concluded that the additional traffic that the project will generate will not change the existing "A" level of service in the area.
29. The proposed commercial development project meets the standards of the PUD regulations. The site area is 26,508 square feet in size, or almost twice the minimum PUD site area. The FAR is approximately 10.0, which is the maximum permitted matter-of-right FAR in the C-4 District, and is well below the 10.5 to 11.0 FAR guidelines for a PUD in the C-4 District. The building will be joined above grade with 1225 I Street. The point of measurement for the height will therefore be taken from 13th Street, as permitted under the Zoning Regulations. The height of the building as measured from the 13th Street frontage will be 130 feet and from the 12th Street frontage will be 126.3 feet. The project will also meet all applicable yard, court, parking, loading, lot

occupancy and other requirements of the regulations.

30. The Zoning Regulations permit an application for a PUD to be filed in conjunction with a change of zoning for the property. The zoning change in this application is necessary to permit proper development of the site under appropriate guidelines.
31. The applicant presented expert testimony and evidence from a land economist and a land use planner indicating that the development of the site under the regulations for the HR/C-3-C District is neither economically feasible nor desirable from a land use standpoint. The applicant's expert land economist submitted substantial testimony and evidence that, although located in an HR overlay zone, neither hotel nor residential development is feasible in either the short term or the long term from land planning, marketing and land development economic analysis perspectives.
32. The expert's economic analysis indicated that hotel construction on the site would not be economically feasible. The site is too small to accommodate a mix of office/hotel project on the site and the economics of the project do not support the development of only a hotel on the site. The applicant's expert land economist also testified and offered evidence that the City is currently undergoing the largest hotel expansion in its history and therefore a hotel on the site is unnecessary to achieve the City's goals.
33. The expert land economist and land planner testified as to the infeasibility of residential development of the subject site. The economist's analysis cited the weak residential market in the downtown area and the projected development costs associated with residential use of the property. Both witnesses noted also that the site is not located in a residential neighborhood and the neighborhood lacks even the most basic residential services, such as convenient grocery shopping. Even if the land were given to a residential developer at no cost, the residential units would be sold at a loss. The prevailing market for residential units based upon comparable projects, indicates a projected selling price of \$141,313 for a 900 square foot unit. Development costs, exclusive of land costs, would be \$182,927 for a loss of over \$40,000 per unit. As a result, the



experts testified that housing would not be built on this site.

34. The applicant's economic analysis indicates that the land cost of the project dictates that to develop a 6.5 FAR building, the applicant would be unable to structure a rent competitive enough to attract a prelease tenant that would allow an early project start. As a result the property would continue to remain vacant. With the rezoning of the site to a 10.0 FAR, the per-unit land component of the project would be such that it would be competitive with suburban jurisdictions that compete for downtown office tenants. The applicant cited their experience in attracting the National Corporation for Housing Partnerships to 1225 I Street after the C-4 rezoning for a portion of that property, preventing the loss of that organization to the suburbs.
35. The architect, an expert in architecture and land planning, testified that the project conforms with the PUD requirements set forth in Article 75 of the Zoning Regulations and is consistent with the Comprehensive Plan.
36. The proposed project is consistent with the Comprehensive Plan, as set forth in the exhibits and as established by the applicant's expert witnesses during the public hearing. Significant among those goals of the Comprehensive Plan which are achieved are the following:
  - a. Provision of office development in the Franklin Square area which is slated in the Comprehensive Plan as "the major center for office development in Downtown ...";
  - b. Provision of office development one-half block from Franklin Square in close proximity to Metrorail and Metrobus stations thereby encouraging ridership and a great return on the City's investment;
  - c. Use of the PUD process to assure orderly growth, a compatible mix of uses, appropriate density, and good pedestrian and vehicular circulation;
  - d. Superior architectural design;
  - e. The addition of low income housing in the District of Columbia through the housing linkage amenity; and

- f. The beautification and maintenance of National Park Service (NPS) parkland Reservation No. 173.

37. The applicant testified that the proposed project is consistent with the goals and objectives of the PUD process, and will include benefits which would otherwise not be guaranteed through a matter-of-right development, including:

- a. The provision of additional housing off-site through rehabilitation of vacant apartment buildings in low-income areas. Although the site is presently located in the hotel/residential incentive district, the applicant has analyzed the possibilities for such development on the site and has concluded that it is infeasible to provide either hotel or residential development on the site. Therefore, matter-of-right development of this site would result in no additional housing opportunities in the District of Columbia;
- b. Revitalization of the Franklin Square and Convention Center areas through appropriate development with a mixed use office/retail building that furthers the goals of the District of Columbia as articulated in the Comprehensive Plan. Section 963 of the Downtown Element of the Comprehensive Plan provides that the city's objective "is to complete the development of the Franklin Square area as the major center of office development in Downtown ....";
- c. Development of a commercial office/retail building of superior building and site design. The project has been designed to a height of approximately 130 feet, and will therefore be compatible with the existing development of 1225 I Street. The two projects will be joined above grade, with the point of height measurement from 13th Street and this compatibility will help to further the concept of a unified project;
- d. Increased tax revenues from real estate, income and other taxes. The proposed PUD and rezoning to C-4 will result in increase of revenue to the District of Columbia. A building with an FAR of 10.0 will yield approximately 54 percent more than an office with an FAR of 6.5. In addition, a greater

number of workers in the building will yield greater number of workers in the building will yield greater income and sales taxes to the City. Using data produced during the feasibility analysis for the Washington Convention Center, a 1981 study by the Board of Trade estimated the combined tax revenues to the city from sales, real property, personal property, income, franchise, and parking taxes for a typical 200,000 square foot downtown office building would be approximately \$848,000 per year;

- e. Increased potential for retention of businesses and jobs in the city. Although land costs will remain constant whether a building with a 10.0 FAR is developed or a building with of 6.5 FAR is developed, with a 10.0 FAR more building can be placed on the site and this in turn will make the project more economical and allow for a lower rent;
- f. Increased job opportunities for certified minority business enterprises, thus contributing to the goals of the Minority Business Opportunity Commission (MBOC). The applicant has entered into a Memorandum of Understanding with MBOC in which it has agreed to make a bona fide effort to use certified minority business enterprises for a minimum of 35 percent of the construction costs contracted through the general contractor during the construction phase, and the costs of porter services, security, janitorial, and refuse collection during the operational phase of the project;
- g. Increased job opportunities for ANC 2C residents. The applicant has entered in to a Memorandum of Understanding with the ANC 2C in which it has agreed to work with ANC 2C regarding employment opportunities for ANC 2C residents and minority contractors and subcontractors in conjunction with the development of the project;
- h. A 2,500 square footage area within the building specifically designed for use as a day care center. The applicant will make the space available and market it to qualified day care center operators. The applicant will market the space as such throughout the construction phase and for one year after completion of construction;

- i. The adoption of the National Park Service (NPS) Reservation No. 173, a triangular park located adjacent to the site to the southeast, along New York Avenue;
  - j. The provision of enclosed on-site parking and loading and the location of the project within close proximity to the Metro system will result in no adverse impacts on the surrounding street system for the proposed development; and
  - k. A parking garage that will be available during evenings and weekends to accommodate the parking demands of the Convention Center and other neighborhood uses.
38. The applicant's expert witnesses in low income housing testified as to the great need for housing for low income families in the District of Columbia. The experts, a representative from Jubilee Housing, Inc. and a representative from MANNA, Inc., testified as to their respective organizations' efforts to acquire and renovate housing in the District for families of low to moderate housing in the District for families of low to moderate means.
39. Jubilee Housing, Inc. is a nonprofit organization in the District of Columbia which has been providing fit and livable housing for low income families. Jubilee encourages self-development of persons rather than further dependency. Jubilee works with separate but related organizations to assist in the provision of job skills, health care, preschool education, needs of the elderly, and other similar services.
40. MANNA, Inc. is one such related organization which promotes home ownership opportunities for low income individuals through acquisition and rehabilitation of housing units in the city.
41. Through testimony at the public hearing, the witnesses indicated that examples of the properties renovated for housing by these two organizations averaged approximately 1,000 square feet per unit (including a range of sizes from 541 square feet for efficiency units in an apartment house to 1,400 square feet for some of the single family houses and larger apartment units). They also testified that the approximate cost per unit for the rehabilitation of the two properties identified during the public hearing was \$10,000

per unit. Both witnesses testified that any money for rehabilitation that their organizations would receive from the applicant in conjunction with this PUD approval would enable the provision of additional housing units that would not be provided but for the applicant's participation.

42. The District of Columbia Office of Planning (OP), by memorandum dated September 2, 1986, noted that it could not recommend approval of the application in its existing form. The OP report noted that the subject site should be held out and not developed until such time that it can be developed under the HR overlay. OP stated that the HR overlay zone is the best existing tool for hotel and residential development and should not be abandoned on this site. The OP report also concluded that C-4 zoning is inconsistent with the Comprehensive Plan and that there is sufficient land elsewhere for office development.
43. OP also disputed the desirability of the urban design features of the project, including the height of 130 feet. OP noted the position of the Office of Corporation Counsel that the Zoning Commission may not at present impose an off-site housing requirement on a developer. OP suggested that the applicant establish a clear nexus between the project and the housing linkage, and that this activity be located near the Downtown area.
44. The District of Columbia Department of Public Works (DPW), by memorandum dated May 23, 1986, addressed the transportation impacts of the proposal. DPW concluded that the trips generated by the proposal would have a negligible impact on the street system in the area specifically, on 12th Street and I Street. DPW found that the proposed parking and loading are adequate to accommodate the development. DPW recommended that the applicant contact the rideshare coordinator at D.C. Rides to coordinate a rideshare program.
45. The Advisory Neighborhood Commission (ANC) 2C voted to support the application and submitted a letter to the Zoning Commission dated September 4, 1986. The ANC indicated that the applicant has agreed to work with ANC 2C regarding employment opportunities for ANC 2C residents and minority contractors and subcontractors in conjunction with development of the project. The applicant has entered into a Memorandum of Understanding with the ANC 2C to set forth this commitment. The ANC

noted that the applicant has agreed to work with the ANC for the provision of the following:

- a. Minority Business Opportunity Commission goal of 35 percent award of the value of construction contracts to qualified MBOC firms;
- b. Implementation of the goals of the Comprehensive Plan, including the location of new office construction in the Franklin Square area;
- c. Setback and streetscape improvements around the building as shown on the plans;
- d. Improvements of the park across New York Avenue in conjunction with the federal government; and
- e. A rideshare program to lessen parking and traffic congestion in the area.

46. The Franklin Square Association (FSA), party in the proceedings, by letter dated May 21, 1986 and by testimony presented at the public hearing, supported the application. The FSA representative testified that the proposed development would be consistent with the goals of the Franklin Square area. The representative noted that Franklin Square is presently the fastest growing commercial center in the metropolitan Washington area resulting in economic and social benefits to the city. The representative lauded the applicant as one of the finest developers in the District, citing both the applicant's quality developments and its commitment to community service. The representative concluded that the project at 1215 I Street, N.W., would be an asset to the Franklin Square area and urged the Commission to approve the project.

47. The Enterprise Foundation, by testimony presented at the public hearing, supported the project because of the need for low income housing in the District of Columbia and the difficulty of obtaining funds to create such housing.

48. There were three letters submitted to the record in support of the application and there were no parties or persons in opposition to the application appearing at the hearing, or of record through the conclusion of the hearing.

49. The Reed-Cooke Neighborhood Association (RAM), by letter dated November 12, 1986, requested the Commission to waive its Rules, reopen the hearing to allow RAM to testify, and admit RAM as a party in opposition. RAM states, in part, that:

RAM agrees with the need not only to maintain but to expand the supply of decent, low and moderate income housing in Reed-Cooke and Adams Morgan. However, given the large number of other problems in Reed-Cooke, such as street crime, drug abuse, housing overcrowding, latent conflict among minority groups, and potential disinvestment by middle class residents, RAM feels strongly that no public assistance should go toward expanding housing controlled by outsiders, such as Jubilee, without a hearing including those affected and consideration of the planning context within which Jubilee's activities might occur. Conditions are not likely to come before the Commission unless cases are advertised in neighborhoods where the off-site benefits of a downtown linkage proposal are likely to occur. Such conditions also indicate how difficult it will be for the Commission to enforce the off-site requirements of a linkage covenant if the benefits are neither constructed by nor overseen by a specifically designated and accountable public group.

50. Pursuant to a request for advice from the Zoning Secretariat, the Office of the Corporation Counsel (OCC), by memorandum dated December 8, 1986, advised: that RAM fails to qualify automatically as a party, but that the Commission has the discretion to accept RAM as a party; that in this application the Commission does not have before it plans for the use or construction at the housing linkage areas; that there is no statutory requirement, under the facts stated, that would give RAM a right to notice of the hearing; and, therefore, that RAM's request for an extension, on the basis of lack of notice, may be denied.
51. The Commission does not concur with the position of the Office of Planning for the following reasons:
- a. Although the HR overlay zone was established with extensive deliberation by OP and this Commission, the applicant has presented a proposal which must be evaluated on its merits in light of all of the goals and policies of the city. The purpose of the PUD process is to allow for such consideration,

and the applicant is entitled to have its project considered as such.

- b. The proposed rezoning to C-4 is not inconsistent with the Comprehensive Plan. Other adjacent properties in the square which are zoned C-4 are designated on the Land Use Map as high density residential/high density commercial. The land use map is not a zoning map and is not intended to be site specific for every individual parcel in the city;
- c. The proposed height and urban design of the project are appropriate for this site. A height of 130 feet and an 8.5 FAR could be established on the site as a matter-of-right under the existing HR/C-3-C zoning by joining the development of 1215 I Street with 1225 I Street (as proposed in this application), using 13th Street as a point of measurement, and including at least 2.0 FAR of hotel or residential use on the site;
- d. The applicant's expert witnesses have presented testimony that the site is not likely to be developed with a hotel or residential use. The applicant testified that the choices for development of the site are a 90 foot, 6.5 FAR office building with no amenities, or a 130 foot, 10.0 FAR office building with an extensive amenity package;
- e. The Commission has considered the existing HR overlay zoning of the site, and the downtown residential land use objective of the Comprehensive Plan, and finds that approval of the project is justified in this case by the developer's financial support of housing units, to be located, in part, in the same ANC area, for lower income persons.
- f. A nexus between the proposed project and the housing linkage amenity is established by virtue of the proximity of the PUD site to some of the proposed linkage sites. In particular, the applicant has refined its housing linkage proposal to include housing in ANC 2C, which is the same ANC in which the proposed project is located;
- g. As approved by the Commission in this order, the applicant's linkage proposal reasonably conforms to the recommendations set forth in the May 8, 1986 memorandum from Deputy Corporation Counsel James R. Murphy about the housing linkage proposal in Case No. 84-3.



- h. The payment of a specified sum of money over time is the format of the housing linkage program used by other cities which have established a housing linkage program. Given the fact that the commitment for housing linkage extends over a period of years, the applicant cannot be expected to identify specific projects to be targeted for funds for the long term future. Both MANNA and Jubilee avail themselves of housing opportunities as they arise, and cannot schedule a long term acquisition plan for properties for rehabilitation. Therefore, a long term plan for housing linkage is acceptable to the Zoning Commission as an amenity offered by the applicant; and
  - i. The Comprehensive Plan targets housing in the city as a top priority. The housing linkage program in this application helps the city to realize that goal.
- 52. The Commission concurs with the position of the Department of Public Works, Advisory Neighborhood Commission 2C and Franklin Square Association, and finds that the conditions imposed with this approval will ameliorate any potential adverse impacts from the proposed project.
- 53. As to the concerns of the Reed-Cooke Neighborhood Association (RAM), on December 8, 1986 at its regular monthly meeting the Commission considered RAM's letter and the position of the Office of the Corporation Counsel, and determined that it had the authority to consider the housing linkage amenity, and that proper notice of the subject proceedings was given, pursuant to the Zoning Regulations and Rules of Practice and Procedures. The Commission denied RAM's request for party status.
- 54. At that same meeting the Zoning Commission opened the record to permit the applicant to respond to the issues that were raised in the RAM letter. On December 15, 1986, at a special monthly meeting, the Commission considered a response from the applicant. That response confirms the Commission's view that Jubilee Housing is a responsible manager of its housing programs.
- 55. The Commission finds that the predominant zoning designation in the Franklin Square area is C-4 and finds that this designation is consistent with the Comprehensive Plan. Residential use of the site is economically prohibitive at today's land prices and is not desirable from a land planning

standpoint because of the overwhelmingly high density commercial use in the area. Moreover, mixed hotel/office use is not desirable from either an economic or a design and use standpoint because of the small site area. Matter of right development under existing zoning would result in a significant underutilization of the site in close proximity to the Metro station.

56. The Commission finds that the height and density of the proposed development are consistent with adjacent and nearby existing developments. The Commission views the rehabilitation of off-site housing, the provision for an on-site day care center, the work with MBOC and ANC 2C in providing job opportunities, and the adoption of the National Parks Services (NPS) parkland, as valuable amenities to be considered by the Commission in conjunction with this application.
57. The Commission finds that rezoning the subject site from HR/C-3-C to C-4 is appropriate.
58. The proposed action of the Zoning Commission to approve the application with conditions was referred to the National Capital Planning Commission (NCPC), pursuant to the terms of the District of Columbia Self Government and Governmental Reorganization Act. The NCPC, by report dated December 4, 1986, indicated that the proposed action of the Zoning Commission would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

#### CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling development of the subject site, because control of the use and site plan is essential to ensure compatibility with the neighborhood and achieve the goals and policies of the city.
2. The development of this PUD carries out the purposes of Article 75 to encourage the development of well-planned developments with more attractive and efficient overall planning and design not achievable under matter-of-right development.

3. The development of this PUD is compatible with city-wide and neighborhood goals, plans and programs.
4. The approval of this PUD application is consistent with the purposes of the Zoning Act, and not inconsistent with the Comprehensive Plan for the National Capital.
5. The proposed application can be approved with conditions which ensure that the development will not have an adverse affect on the surrounding community, but will enhance the neighborhood and the city and ensure neighborhood stability.
6. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia zone plan, as embodied in the Zoning Regulations and Map of the District of Columbia.
7. The Zoning Commission has accorded to the Advisory Neighborhood Commission 2C the "great weight" to which it is entitled.
8. The conditions which require the applicant to provide financial support for housing are appropriate amenities for the Commission to accept, in light of the Zoning Act and the particular circumstances, of this case. In the view of the Commission, it should be beyond serious questions that its authority is broad enough to encourage the development of a stock of housing in the District, to serve residents of all income levels.
9. Financial support for low-income housing is particularly appropriate in this area, because the proximity of linkage sites to the PUD site establishes a reasonable nexus between the sites. Further, the applicant offered to provide this support on its own initiative.
10. Before any housing linkage project is implemented, the linkage project must comply with all applicable provisions of the Zoning Regulations, and the developer of the linkage project must obtain all necessary permits.

#### DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the District of Columbia Zoning Commission hereby orders APPROVAL of this application for consolidated

review of a Planned Unit Development and change of zoning from HR/C-3-C to C-4 for lot 48 in Square 285 at 1215 I Street, N.W. The approval of this PUD and change of zoning are subject to the following guidelines, conditions, and standards:

1. The planned unit development shall be developed substantially in accordance with the plans marked as Exhibits No. 22 and 37, as modified by the guidelines, conditions, and standards of this order.
2. The site shall be developed with a mixture of office and retail uses as permitted in the C-4 District.
3. The floor area ratio for the building on the site shall not exceed 10.0.
4. The proposed building at 1215 I Street shall be connected above grade and at the garage level to the existing building at 1225 I Street.
5. The height of the building shall not exceed 130 feet, as measured from 13th Street.
6. The percentage of lot occupancy shall not exceed 88 percent of the site.
7. The development shall include a parking garage as shown on the plans marked as Exhibit No. 37. This garage will contain a minimum of 139 full size spaces, of which 7 will be van spaces. The applicant shall be permitted to provide stacked parking in the garage, pursuant to Section 7204.4 of the Zoning Regulations.
8. The applicant shall enter into an agreement with the National Park Service to "adopt" the triangular park known as Reservation No. 173 and shall assume all costs and responsibility for maintaining that park for a five-year period, with the applicant automatically renewing such adoption for two additional five-year periods, provided that the cost of maintenance has not increased more than ten percent per year during the previous term.
9. The applicant shall provide financial support sufficient to establish 150 rehabilitated dwelling units at locations which are set forth in Exhibit No. 78 in this record.
10. 75 of the units required by condition numbered 9 of this order shall be ready for occupancy within

four years of the date of the issuance of a building permit for the PUD site.

11. All 150 units required by condition numbered 9 of this order shall be ready for occupancy within eight years of the date of the issuance of a building permit for the PUD site.
12. The applicant shall not file an application for a building permit for the PUD site, until it has filed with the Zoning Commission a schedule for its compliance with conditions numbered 9, 10, and 11, and the Zoning Commission has entered an order approving a schedule for compliance. The schedule shall establish dates by which specified numbers of housing units will be ready for occupancy, and the Zoning Commission may include reasonable terms and conditions to ensure compliance with the schedule.
13. The applicant shall not file an application for, nor be authorized to exercise any rights under, a certificate of occupancy, unless the Zoning Commission has issued an order setting forth the Commission's finding that the applicant has complied with any schedule established pursuant to this order. In such further order, the Commission may establish deadlines for the filing of an application for, or issuance of, a Certificate of Occupancy.
14. The Zoning Commission reserves the discretion to determine the proceedings by which it will consider the matters which are provided for in conditions numbered 12 and 13.
15. When the applicant applies for a certificate of occupancy to use any portion of the PUD site, the applicant shall designate the location of the bonus gross floor area which shall be subject to conditions numbered 16 through 20.
16. The amount of the bonus gross floor area to be designated shall be the product of the additional 2.0 FAR which is authorized in this order. The designated bonus area shall be horizontally or vertically contiguous. After a certificate of occupancy has been issued to authorize the use of any portion of the PUD site, the location of the designated bonus gross floor area shall not be changed.

17. To the extent that any certificate of occupancy for the PUD site authorizes the use of any portion of the designated bonus gross floor area, that certificate of occupancy shall by operation of this order expire four years after the issuance of a building permit for the PUD site, unless the applicant has fully complied with condition numbered 10 of this order.
18. To the extent that any certificate of occupancy for the PUD site shall authorize the use of any portion of the designated bonus gross floor area, that certificate of occupancy shall by operation of this order expire eight years after the issuance of a building permit for the PUD site, unless the applicant has fully complied with condition numbered 11 of this order.
19. Compliance at all times with conditions numbered 10 and 11, and with any schedule which the Commission may establish in a further order, pursuant to conditions numbered 12, 13, and 14, shall be a continuing condition to the right of the applicant to retain, or exercise any rights pursuant to, any final Certificate of Occupancy which may be issued to authorize the use of the designated bonus gross floor area. This condition shall be clearly recited in any such certificate of occupancy, and in any lease with any tenant of the PUD site. Such provision shall clearly state that the tenant's occupation of the site is conditioned upon the applicant's continuing compliance with this and further Commission orders about the PUD site.
20. If the authority to use any portion of the designated bonus gross floor area expires pursuant to conditions numbered 17, 18, or 19 of this order, the applicant shall terminate all use of that gross floor area, and shall not thereafter resume its use until having fully complied with conditions numbered 10, 11, and 19, to the extent that any of them may then be applicable, and until the issuance of a new certificate of occupancy which authorizes the use of the designated bonus gross floor area.
21. Before any housing linkage project is implemented, the linkage project must comply with all applicable provisions of the Zoning Regulations, and the developer of the linkage project must obtain all necessary permits.

22. The applicant shall implement the Memorandum of Understanding with the Minority Business Opportunity Commission filed in the record as Exhibit No.59A2, which provides that the applicant will make a bona fide effort to award at least 35 percent of the construction-related contracts for the project to Certified Minority Business Enterprises.
23. The applicant shall implement the Memorandum of Understanding with the Advisory Neighborhood Commission 2C filed in the record as Exhibit No.59A3, which provides that the applicant will work with ANC 2C regarding employment opportunities for ANC 2C residents and minority contractors and subcontractors in conjunction with development of the project.
24. The applicant will coordinate a rideshare program with the D.C. Rideshare Coordinator in order to minimize the on-site parking demand and to encourage ridesharing among the employees of the building.
25. The building will be constructed with warm red precast concrete and other design details including color of glass to match the building at 1225 I Street, N.W. in accordance with Exhibits No. 40B and 67.
26. The applicant shall provide an area of approximately 2,500 square feet in the first cellar of the building for use as a day-care center. The applicant shall make the space available and shall market it to qualified day-care operators throughout the construction phase of the project and for one year after completion of the project. Coordinating through ANC-2C, the applicant shall first make a bona fide effort to market a qualified day-care center operator who lives or operates an existing day-care center in ANC-2C. Should that effort fail, then unconstrained marketing efforts shall be permitted.
27. The applicant has the flexibility, in designing the day-care center, to design the space and the means of egress so that it will, as it must comply with all applicable District of Columbia regulatory requirements. No Certificate of Occupancy shall be granted for the 2,500 square feet set aside for a day-care center for any use other than a day care center for one year following the date of completion of the project.

If, at the end of that one year period, the applicant has been unable to market the space to a qualified operator for a day-care center, the applicant may receive a Certificate of Occupancy for that space for some other use permitted by the applicable Zoning Regulations to the site.

28. The applicant shall enter into a lease agreement with the parking operator of the garage at 1215 I Street, N.W., which shall provide that the parking operator will make the garage available to Convention Center visitors, as follows:
  - a. During normal business hours as a second priority to office tenants and their guests; and
  - b. During evening and weekend hours.
29. The lease shall also require the operator to coordinate with Convention Center management to make it aware that parking for their visitors is available at 1215 I Street, and to distribute printed information to the Convention Center to alert visitors that parking is available. The applicant shall provide to the Zoning Administrator a lease agreement between the John Akridge Company and the garage operator, that this condition has been met prior to the issuance of a certificate of occupancy for the garage at premises 1215 I Street, N.W. The parking garage may be used as a commercial parking garage.
30. The change of zoning from HR/C-3-C to C-4 shall be effective upon recordation of a Covenant as required by Sub-section 7501.8 of the Zoning Regulations.
31. No building permit shall be issued for this PUD until the applicant has recorded a Covenant in the Land Records of the District of Columbia, between the owner and the District of Columbia and satisfactory to the Office of the Corporation Counsel and the Zoning Regulations Division of the Department of Consumer and Regulatory Affairs (DCRA), which Covenant shall bind the applicant and successors in title to construct on and use this property in accordance with this order or amendments thereof, of the Zoning Commission.
32. The Zoning Commission will not release the record of this case to the Zoning Regulations Division of the DCRA until the applicant has filed a certified



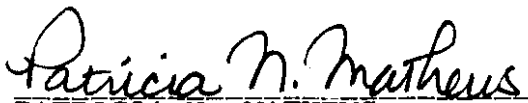
copy of said Covenant for the records of the Zoning Commission.


33. The PUD approved by the Zoning Commission shall be valid for a period of two (2) years from the effective date of this order. Within such time, application must be filed for a building permit as specified in Paragraph 7501.81 of the Zoning Regulations. Construction shall start within three (3) years of the effective date of this order.
34. The Commission shall retain limited jurisdiction over this case for the purpose of monitoring compliance by the applicant with conditions numbered 9 through 13 of this order. The Commission does not intend through this condition to supervise any aspect of the housing linkage developments which is not governed by this order.

Vote of the Zoning Commission taken at the public meeting on October 6, 1986: 4-1 (Maybelle T. Bennett, Lindsley Williams, George M. White, and Patricia N. Mathews, to approve with conditions; and John G. Parsons, opposed).

This order was adopted by the Zoning Commission at the regular public meeting on January 12, 1987, by a vote of 3-1 (Maybelle T. Bennett, Lindsley Williams, and Patricia N. Mathews, to approve with conditions; John G. Parsons, opposed; and George M. White, not present, not voting).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective upon publication in the D.C. Register, specifically on 03 APR 1987.

  
PATRICIA N. MATHEWS  
Chairperson  
Zoning Commission

  
EDWARD L. CURRY  
Acting Executive Director  
Zoning Secretariat